

TENTATIVE ATTACHMENT A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-_____

~~APPLICABLE WATER QUALITY CONTROL PLANS~~
~~AND RECEIVING WATER LIMITATIONS, DEFINITIONS,~~
~~AND INFORMATION SHEET~~
FOR
DISCHARGES FROM IRRIGATED LANDS TO SURFACE WATERS

COALITION GROUP CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

This Attachment A sets forth receiving water limitations based on water quality objectives in the California Regional Water Quality Control Board, Central Valley Region's (Central Valley Water Board) Water Quality Control Plans (Basin Plans) that are applicable within the Central Valley Region. This Attachment does not contain a complete list, but lists those receiving water limitations that are particularly relevant to discharges from irrigated lands. The Basin Plans contain specific water quality objectives, beneficial uses, and implementation plans that may be applicable to discharges and/or water bodies that receive discharges from agricultural lands. Water quality objectives may be generally applicable, may be specific to certain water bodies, and/or may be specific to certain uses. The receiving water limitations that are applicable to a particular water body are determined by considering whether the water quality objective that is the basis for the receiving water limitation applies generally to all water bodies, applies to a particular water body, and/or applies to protect a particular beneficial use that is designated or existing in the water body. These water quality objectives apply as receiving water limitations in the receiving water, not as effluent limitations at the point of discharge to surface waters. These receiving water limitations are the basis for assessing and measuring the effects of discharges of waste in irrigation tailwater and stormwater from irrigated lands to surface waters under the terms and conditions of the Coalition Group Conditional Waiver. Specific numeric levels used to assess exceedances of the receiving water limitations may be set forth in monitoring and reporting programs.

This Attachment A also contains definitions of terms used in Order No. R5-2005-_____.

On 20 October 2005, the Central Valley Water Board adopted Resolution No. R5-2005-0137 *Adding Information Sheet to Resolution No. R5-2003-0105, Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region*. This Resolution added an information sheet to clarify the "tributary rule" and is in response to the 9 May 2005 Sacramento County Superior Court ruling. The information sheet is attached.~~The following information is provided to ensure that Coalition Groups are aware of the existing water quality objectives contained in the California Regional Water Quality Control Board—Central Valley Region's (Central Valley Water Board) Water Quality Control Plans (Basin Plans). This information is not a complete list. More specific water quality objectives and implementation plans regarding discharges from agricultural lands are contained in these Basin Plans. This information will be used to assess and measure the effects of discharges of waste in irrigation water and stormwater from irrigated lands to surface waters under the~~

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~~terms and conditions of the Coalition Group Conditional Waiver and to develop an implementation program.~~

WATER QUALITY CONTROL PLANS

The following Basin Plans have been adopted by the Central Valley Water Board and are available on the Central Valley Water Board's website at www.waterboards.ca.gov/centralvalley or by contacting the Central Valley Water Board at (916)-464-3291.~~From the Basin Plans for the Central Valley Water Board:~~

Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basins, Fourth Edition, revised September 2004—1998

Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2004—1995

For a complete list of the water quality objectives, refer to the Basin Plans, which are revised periodically.

OTHER RELEVANT PLANS AND POLICIES

State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*

State Water Resources Control Board Resolution 88-63, *Sources of Drinking Water Policy*

Non Point Source Implementation and Enforcement Policy, May 2004

RECEIVING WATER LIMITATIONS

The attached **Table 1** lists the receiving water limitations that correspond to the constituents, parameters, and tests that are included as the minimum monitoring requirements in the Coalition Group Monitoring and Reporting Program.

DEFINITIONS

The following definitions apply to the Order, Coalition Group Conditional Waiver, and Monitoring and Reporting Program as related to discharges of waste from irrigated lands as described in those documents.

1. Agricultural solid wastes - Include wastes resulting from the production and processing of farm or agricultural products, including manures, prunings and crop residues wherever produced.

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2. Coalition Group - Any group of Dischargers and/or organizations that form to comply with the Coalition Group Conditional Waiver. Coalition Groups can be organized on a geographic basis or can be groups with other factors in common such as commodity groups.
3. Discharger - The owner and/or operator of irrigated lands ~~or a Water District, which accepts or receives discharges from irrigated lands,~~ who discharges or threatens to discharge waste in irrigation return flows, tailwater, operational spills, drainage water, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower the water table below irrigated lands (tile drains) and/or stormwater runoff flowing from irrigated lands to waters of the State.
4. Discharges of waste from irrigated lands — Includes waste in surface discharges (also known as irrigation return flows or tailwater), operational spills, drainage water discharges, subsurface discharges through drainage systems that lower the water table below irrigated lands (also known as tile drains), stormwater runoff flowing from irrigated lands, and stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands. For the purpose of this Coalition Group Conditional Waiver, stormwater discharges to surface waters resulting from any size storm can be covered by this Conditional Waiver.
5. ~~Farm Water Quality Management Plan (FWQ Plan)—a document that contains, at a minimum, identification of practices that are currently being or will be implemented to address irrigation management, pesticide management, nutrient management and erosion control to protect water quality. FWQ Plans will contain a schedule for implementation of practices. Lists of water quality protection practices are available from several sources, including the University of California FWQ Plan template available from the University of California and on-line at <http://anrcatalogue.ucdavis.edu/merchant.ihtml?pid=5604&step=4>. (Renamed Water Quality Plan – see #17)~~
5. Irrigated lands – Lands where water is applied for the purpose of producing crops, including, but not limited to, land planted to row, vineyard, pasture, field and tree crops, commercial nurseries, nursery stock production, managed wetlands, rice production, and greenhouse operations with permeable floors that do not currently discharge under waste discharge requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, including Municipal Separate Storm Sewer System, or other National Pollutant Discharge Elimination System NPDES permits are considered irrigated lands.
6. Irrigation return flow – Surface and subsurface water which leaves the field following application of irrigation water.
7. Liquid waste - Any waste materials which are not spadable.
8. Monitoring - All types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, in-stream water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, active inspections of operations, and management practice implementation and effectiveness monitoring.

9. Operational spill – Irrigation water that is diverted from a source such as a river, but is discharged without being delivered to or used on an individual field.
10. Receiving waters - Surface waters that receive or have the potential to receive discharges [of waste](#) from irrigated lands.
11. Requirements of applicable water quality control plans - Water quality objectives, prohibitions, Total Maximum Daily Load Implementation Plans, or other requirements contained in water quality control plans adopted by the Central Valley Water Board and approved according to applicable law. **Attachment A** may be revised periodically.
12. Stormwater runoff – The runoff of precipitation from irrigated lands to surface waters from any size storm event.
13. Subsurface drainage – Water generated by installing drainage systems to lower the water table below irrigated lands. Subsurface drainage systems, deep open drainage ditches, or drainage wells can generate this drainage.
14. Tailwater – The runoff of irrigation water from an irrigated field.
15. Waste – As defined in California Water Code (Water Code) Section 13050. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers or whatever nature prior to, and for the purposes of disposal. Waste specifically regulated by the Coalition Group Conditional Waiver includes: earthen materials, such as soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, nitrogen, etc.; and organic materials, such as pesticides that enter or threaten to enter waters of the State. Examples of waste not specifically regulated by the Coalition Group Conditional Waiver include hazardous and human wastes.
- [17.16.](#) Water District – California law defines a water district as any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. (Water Code Section 20200.) Such districts include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, and water agencies. [Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands, and discharges or threatens to discharge irrigation return flows, tailwater, operational spills, drainage water, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower](#)

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the water table below irrigated lands (tile drains) and/or stormwater runoff flowing from irrigated lands to waters of the State.

17. Water Quality Plan – For identified water bodies and/or areas of water quality concern within the Coalition Group boundary, a document which identifies management practices that will be implemented to achieve compliance with applicable receiving water limitations and includes a schedule to implement the management practices.

18. Waters of the State – As defined in Water Code Section 13050. Any surface water or groundwater, including saline waters, within the boundaries of the State. The Order and Coalition Group Conditional Waiver regulate discharges from irrigated lands to surface waters.

19. All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (Water Code Division 7), unless specified otherwise.

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

INFORMATION SHEET

RECEIVING WATER LIMITATIONS, DEFINITIONS,
AND INFORMATION SHEET
FOR
DISCHARGES FROM IRRIGATED LANDS
[TO SURFACE WATERS](#)

In July 2003, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted *Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region* (Conditional Waivers or Waiver) (Resolution No. R5-2003-0105). Various parties filed petitions with the State Water Resources Control Board (State Water Board) and filed petitions for writ of mandate in the Sacramento County Superior Court. On 10 May 2005, the Sacramento County Superior Court issued a ruling in the matter of *Deltakeeper, et al. v. California Regional Water Quality Control Board, Central Valley Region, et al.*, No. 04CS00235, and *California Farm Bureau Federation v. State Water Resources Control Board, et al.* No. 04CS00264 (Court Order). In that ruling, the Court remanded:

"this action so that Respondents may clarify in its findings the extent to which the Waiver is intended to apply to agricultural dominated waterways and constructed agricultural drains and other non-stream tributaries; the extent to which the Waiver purports to impose receiving water limitations upon such waterbodies; and, in light of the foregoing, the extent to which the Waiver may rely on application of the Tributary Rule for these purposes." (Court Order at 77).

In response to the Court's three questions:

1. The Conditional Waivers apply to all waters of the state within the Central Valley Region, including agricultural dominated waterways, constructed agricultural drains, and other non-stream tributaries.
2. The Conditional Waivers impose receiving water limitations upon agricultural dominated waterways, constructed agricultural drains, and other non-stream tributaries to the same extent as the Basin Plans.
3. The Central Valley Water Board has designated beneficial uses for listed water bodies, including uses for certain agricultural drains in its Water Quality Control Plans. See Chapter II of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Basin. To address water bodies that are not separately listed in the Water Quality Control Plans, the Regional Board set forth the so-called "tributary rule". The Regional Board generally does not use the tributary rule to determine beneficial uses for constructed agricultural drains and other non-stream tributaries. The tributary rule generally does apply to agricultural dominated water bodies. Even if a water body is not listed and the tributary rule does not apply, beneficial uses of water bodies may be designated pursuant to other laws or policies. For example, designated uses may be based on the United States Environmental Protection Agency's water quality standards regulations. See State Water Board Order WQO 2002-0016 at 6.

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